IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

MFA.No. 9 of 1996()

(AGAINST THE AWARD IN OP.(MV) NO.401/90 DT. 21.4.95 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL , KOLLAM).

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APPELLANT:

THE ORIENTAL INSURANCE CO. LTD.,
KOLLAM, REP.BY ITS ADMINISTRATIVE OFFICER,
REGIONAL OFFICE (LEGAL CELL) M.G.ROAD,
ERNAKULAM.

BY ADV. SRI.GEORGE CHERIAN

RESPONDENTS: CLAIMANTS/ RESPONDENTS/ RESPONDENTS 1 AND 2
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1. **NANCY PRASAD, W/O.PRASAD,**
   RESIDING AT SREENILAYAM VEEDU,
   NEAR BISHOP HOUSE,
   PATTATHANAM WARD, QUILON.

2. **MOHAN S/O. SAHADEVAN, CRISON HOUSE,**
   VADAKKEVILA VILLAGE,
   QUILON (DRIVER).

3. **RAJAGOPAL, RAMESWARA STREET,**
   T.NAGAR, MADRAS 17.

BY

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. KOSHY and K.P.BALACHANDRAN, JJ.

M.F.A.No.9 of 1996 and
C.M.P.No.26 of 1996 in M.F.A. No. 9 of 1996

Dated this the 4th day of June, 2007

Judgment

Koshy, J.

C.M.P.No.26 of 1996 is filed to condone the delay in filing the appeal. Notice issued on the delay condonation petition was returned with the endorsement that 'not known' and order was passed on 1.10.2003 for publication of notice in newspaper . So far, no steps were taken. When the case was taken up, there was no representation also. The appeal is filed in 1996. So far, defects are not cured. Hence, C.M.P.No.26 of 1996 is dismissed for non-prosecution and non-curing of defects. Consequently, the appeal is also dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

vaa

J.B. KOSHY AND
K.P.BALACHANDRAN, JJ.

M.F.A.No.9 of 1996
and
C.M.P.No.26 of 1996
in
M.F.A. No. 9 of 1996

Order

Dated:4th June, 2007